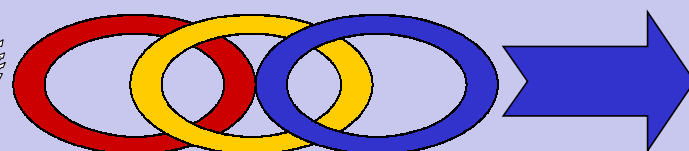


# C COURT C CONNECTION

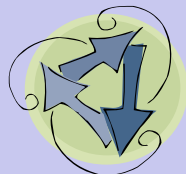


U.S. Bankruptcy Court  
Western District of N.C.

E-Mail Address:  
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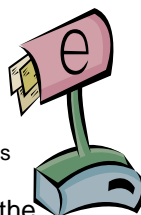
## What's Inside?



New Team Structure  
CMECF Update  
Operational News  
New Law Clerk  
... and more

## The Chambers "Skinny"

by George R. Hodges &  
J. Craig Whitley, Bankruptcy Judges



The court recently received the latest Bankruptcy Program Indicators report from the Administrative Office of the U.S. Courts. This statistical report is a comprehensive measurement of our case load including data on the time it takes to conclude bankruptcy cases. It is not a "qualitative" report in that it does not purport to show whether we are doing a good or bad job. But the data is instructive in helping us focus our efforts on aspects of case management where attention is necessary. The recent report demonstrates a couple of very important areas about which we can be quite proud; it also indicates a few areas where we need to continue to focus our attention.

First, the hard work of the Trustees, the Bar, the Clerk's Office and the Bankruptcy Administrator's Office have produced two important successes: (1) Our district ranks first in the Fourth Circuit with the highest number of Chapter 7 asset cases. (And we rank 7th out of 90 districts in the country!) (2) Our district's case closing figures have improved dramatically over the past five years. The hard work necessary to produce these results has been dedicated by all of you; the court recognizes and appreciates your efforts!

Second, the case closing data indicate a few areas for improvement. After studying the matter with the Clerk's Office and the Bankruptcy Administrator, we will implement a number of relatively minor changes in procedures to improve these areas. Here are the modifications that you will soon see:

**(1) Chapter 7 No Asset Cases:** The Clerk's Office will process cases for discharge and closure daily, rather than batch them biweekly. The Trustees' efforts to process these cases

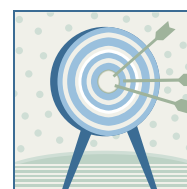
quickly have been quite successful, and the Bar's cooperation in preparing in advance of First Meetings and in providing requested information and documentation is essential to this.

**2) Chapter 7 Asset Cases:** For any case that reaches 120 days of age, the court will conduct an initial status conference shortly after that date to discuss management of the case and to assist in any way it can in moving the case to successful conclusion.

**3) Chapter 13 Cases:** The court will not approve continuation of a case beyond 60 months except in the most compelling of circumstances.

**4) Chapter 11 Cases:** The court will become involved in management of the case at the conclusion of the exclusive period (if not before); and the court will make an effort to conclude and close cases as soon as practicable after confirmation (such as, by conducting post-confirmation status conferences and by denying provisions for retained jurisdiction except under compelling circumstances.)

We believe that these changes are minor ones, but hope that they will help continue the district's record of improving case closing results. Again, we recognize the hard work and cooperation of all of the participants in our cases ... and we greatly appreciate that!



## Bankruptcy Q & As

**Q:** Is it permissible that attorneys sign amendments to schedules?

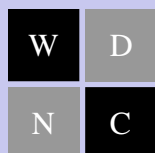
**A:** No. Rules 1008 and 9011 specifically state that the debtor is the only person authorized to sign amendments.

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## Creditor Remark of the Quarter

"I've been going thru this case for some years and has received nothing. I have no time for this type of foolishness. Give me what I'm due or else leave me the hell alone."

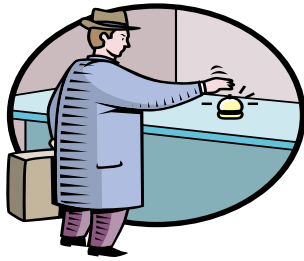
## Newsletter Comments? E-mail

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Editor:  
Susan Slade  
Administrative  
Coordinator

Page 2

Court Connection



## News in Court Operations

by Linda Anderton, Chief Deputy Clerk and  
Gerri Crockett, Clerk of Court

### Local Rules

On April 3, 2000, revisions to the Court's Local Rules will be available to the public in the Charlotte & Asheville Clerk's Offices as well as on the Court's Internet site.

### Chapter 13 Plan Summary (Local Form 20)

The Chapter 13 Plan Summary form is currently being revised to a one-page form. The Bar and public will be notified of the effective date of the revised form.

### Statistics

Over the past three years, bankruptcy filings have remained at an all time high. During calendar year 1999, there were 6,996 bankruptcy petitions filed in the Western District of North Carolina. This number is almost identical to the number of cases filed during 1998 (6,997). Both figures are only slightly lower than the all time high of 7,126 filings in 1997. Chapter 13 cases still represent the largest percentage of filings at 54% of the entire caseload in the Western District. This is followed by Chapter 7 cases which represent 46% of the caseload. Only 1% of the cases filed are Chapter 11; presently these filings (21 in all) are at their lowest since 1986.

## Asheville Update

The Asheville Division's newest employee, Robin Sanders, will soon carry a new last name. Robin will be getting married July 8 and will effectively change her last name to "Cherkas."

Closer to the date of this event, the phone directories will be changed to reflect Robin's new name. In the meantime, take a moment to speak with Robin about this exciting event when you visit the Asheville Division.



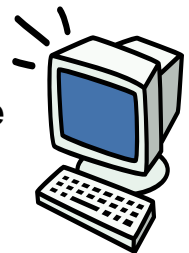
by Carol Caldwell, Financial Administrator

### Fee Increase

On November 29, 1999, the President signed into law an omnibus appropriations act, Public Law No. 106-113, which included a \$25 increase in the filing fees for Chapter 7 and Chapter 13 bankruptcy cases. This increase became effective December 29, 1999. With the increase, debtors are required to pay a total of \$200 in fees to the Clerk to file a Chapter 7 case and a total of \$185 to file a Chapter 13 case. This \$25 increase in the filing fee also affects the fee to reopen a Chapter 7 or Chapter 13 case. The fee for reopening is now \$155. Further, the fee to divide a joint case originally filed under Chapter 7 or Chapter 13 is \$77.50.

## CM/ECF Update

by Karen Heavner



The Bankruptcy Court has completed Internet Browser and CM/ECF Case Opening training for its employees. Additionally, the CM/ECF Training Subcommittee has reviewed 14 Computer-based-training (CBT) modules released by the U.S. Court's Technology Training & Support Division (TTSD) in San Antonio, TX. The CBT modules mimic the steps a user would go through using a CM/ECF database and provide feedback to the learner. These tutorials presently reside on a computer at TTSD which may be accessed only by authorized court staff. These modules were designed with attorneys and trustees in mind, and once finalized, may be used for attorney and trustee training. Some of the CBTs tested by the court include:

- Introduction to CM/ECF
- Logging On to the System
- Case Opening
- Converting Files to PDF
- Creditor Matrices
- Voluntary Petitions with Attachments
- Setting Mail Notifications

"CM/ECF Update" continued on page 3

- Editing or Deactivating Mail Notifications
- Proofs of Claim
- Answers to Complaints

This January, the court gained limited access to a training database which also resides at TTSD. With this database, the court is able to create its own unique dictionary (docket events coding) in preparation for more formal CM/ECF training of court staff, attorneys, and trustees.

The Administrative Office of the U.S. Courts (AO) in Washington released funds in mid-March which we will use to purchase the necessary CM/ECF hardware. It will likely be late June when the court receives the hardware for the new system. In addition, conversion of our existing data to the new system will take a few weeks' time. We estimate that the court will be "live" on CM/ECF in the fall of 2000. Training will be provided to court staff prior to that time and, afterwards, will be offered to attorneys and trustees.

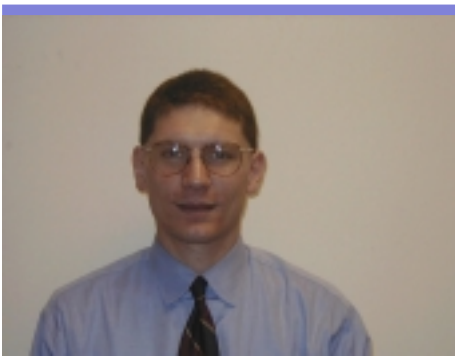
We strongly recommend that attorneys, trustees, and their staffs be comfortable in the "Windows" or "Mac" environment and in the use of the "Netscape Navigator" Internet browser before attending CM/ECF training. All hardware and software recommendations are listed on the Court's web site at [www.ncbankruptcy.org](http://www.ncbankruptcy.org).

## CM/ECF Readiness Survey

Over the next few months, please take a moment to complete a "**CM/ECF Readiness Survey**" for yourself or for your office. You can find one on the Court's web site or at the Customer Service Counter at the courthouse.

This survey will help the court in assessing some CM/ECF training needs and to understand local hardware availability and limitations.

The survey is only 9 questions long and requires little time to complete.



# On the Inside. . .

## Charlotte's New Team

by Gerri Crockett, Clerk of Court

You may have noticed that the Clerk's Office in Charlotte has undergone a reassignment of duties. The Customer Service section (formerly known as "Intake") will be staffed primarily by three individuals with daily assistance from members of the new Case Administrator teams. This change allows more staff to perform case administration duties, with four former members of the Customer Service section moving to one of three Case Administration teams. In all, there are five teams in the Clerk's Office: Customer Service, Courtroom/ECRO, and three designated to Case Administration. Cases are assigned to each team based on the last digit of the case number. Shortly, a main phone number for each team will be installed; these numbers will be added to the directory on Court's Internet site under the button called "Contact Us."

## Charlotte Bankruptcy Seminar

by Gerri Crockett, Clerk of Court

On January 21 of this year, the court delivered a basic bankruptcy program for the Bankruptcy Bar entitled *An Introduction to Bankruptcy Practice and Procedure: Navigating the Bankruptcy System*. The seminar was sponsored by the Mecklenburg County Bar (MCB) and was presented by members of the Clerk's Office and Chambers staff. Lucretia Sullivan, Barbara Sifford, Linda Anderton, Julie Brodhag, Cecelia Burr, Carol Caldwell, Jeff Ramsey, and Karen Heavner delivered information on the following topics: Intake and Document Processing, Procedural Issues, Financial Information and an overview of the new Case Management/Electronic Case Filing system. Warren Tadlock (Chapter 13 Trustee) and R. Keith Johnson (Chapter 7 Trustee) presented an overview of trustee issues and Linda Simpson discussed the role of the Bankruptcy Administrator. The program evaluations indicated that the program was a successful one.

## New Law Clerk

In early March, Richard Wright joined the court as law clerk to Judge Whitley. Richard will serve an eighteen month tenure in Judge Whitley's chambers. Before coming to Charlotte, Richard was an associate in the firm of Beaman & King, P.A., located in Wilson, N.C.

A native of Winston-Salem, Richard attended both Wake Forest University and the Wake Forest University School of Law. His interests include distance running, boating, and trips to the N.C. coast. Richard says that he is looking forward to working with the members of the Western District Bankruptcy Bar.